

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

BAINS SOFTWARE, INC., )  
Plaintiff, )  
v. )  
GLF ENTERPRISES, LLC, et al., )  
Defendants. )  
No. 23-03240-CV-S-DPR

## **ORDER**

Before the Court is the Motion to Dismiss for Lack of Capacity to Sue/Standing filed by Defendants GLF Enterprises, LLC and Donald Marriott, Jr. (Doc. 34.) Defendants move jointly for an order dismissing this action, asserting that Plaintiff lacks capacity to sue or standing to bring this action. Plaintiff filed Suggestions in Opposition (doc. 38), Defendants filed a Reply (doc. 39), and Plaintiff filed a Sur-Reply (doc. 42).

Upon review, the Court finds that Plaintiff Bains Software, Inc., now known as Bain Software Inc, a corporation organized under the laws of Delaware, “is in good standing and has a legal corporate existence” as of May 7, 2024, per the Delaware Secretary of State. (Doc. 42-1.) Accordingly, the Motion to Dismiss is **DENIED**.

## IT IS SO ORDERED.

/s/ David P. Rush  
DAVID P. RUSH  
UNITED STATES MAGISTRATE JUDGE

DATE: May 13, 2024